

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARISTIDES “POPS” PITSILADI, NICHOLAS
PITSILADI, Individually and as Members of WEST
23RD STREET REALTY LLC, WEST 36TH STREET
REALTY LLC AND MACPIN REALTY LLC, WEST
23RD STREET REALTY LLC, WEST 36TH STREET
REALTY LLC, and MACPIN REALTY LLC,

07 Civ. 6605 (JGK)

ORAL ARGUMENT
REQUESTED

Plaintiffs,

-against-

WILLIAM GUERRERO, CITY PROPERTY
MANAGEMENT AND DEVELOPMENT INC.,

Defendants.

**DECLARATION OF
MICHAEL A. HASKEL,
ESQ. IN OPPOSITION**

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MICHAEL A. HASKEL, ESQ., under penalties of perjury, declares as follows:

1. I am the attorney for Defendants, William Guerrero (“Guerrero”) and City Property Management and Development Inc. (“City Property”) (collectively, Guerrero and City Property shall be referred to as “Defendants”), and I submit this declaration in opposition to the motion of the plaintiffs, Aristides “Pops” Pitsiladi (“A. Pitsiladi”), Nicholas Pitsiladi (“N. Pitsiladi”) (collectively, the “Pitsiladis”), and the companies they allegedly own (these companies shall be referred to collectively as the “Pitsiladi Entities”), to dismiss Guerrero’s counterclaim pursuant to Fed. R. Civ. P. 12(b)(6).

2. Insofar as this is a motion to dismiss under Fed. R. Civ. P. Rule 12(b)(6), the Court’s inquiry is determined by the pleading itself, the legal sufficiency of which is the subject of the accompanying memorandum of law, to which is Court is respectfully referred. Assuming

arguendo the Court finds that there is any deficiency in the manner the claim has been pled, the permission to replead is requested.

Dated: Mineola, New York
December 4, 2007



MICHAEL A. HASKEL